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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,040	04/12/2004	Ali Nikkhah	IP-4002US	4097
39775	7590	09/10/2004	EXAMINER	
SYLMARK, INC. 4929 WILSHIRE BLVD SUITE 500 LOS ANGELES, CA 90010			CHIESA, RICHARD L	
			ART UNIT	PAPER NUMBER
			1724	

DATE MAILED: 09/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

<b>Application No.</b> 10/823,040  <b>Examiner</b> Richard L. Chiesa	<b>Applicant(s)</b> NIKKAH, ALI	
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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### **Status**

- 1) Responsive to communication(s) filed on 16 June 2004.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### **Disposition of Claims**

- 4) Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 10-15 is/are allowed.
- 6) Claim(s) 1-4 and 16-21 is/are rejected.
- 7) Claim(s) 5-9 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### **Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 29 April 2004 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### **Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### **Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Drawings***

1. The drawings filed on April 29, 2004 are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference numeral mentioned in the description: Reference numeral --34-- is apparently missing from Figure 4. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

2. The disclosure is objected to because the word "that" (page 6, line 25) should apparently be changed to --than--. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102/103***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 2, 4, 16-18, 20, and 21 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over U.S. Patent No. 6,350,417 to Lau et al. Lau et al (note Figures 2A, 2B, 5A-C, 6A-D, 7A-E) disclose an electrostatic air conditioner electrode wire cleaning mechanism and cleaning process with a post 242, plate 515, and knob 112 as claimed (35 USC 102b). It would appear that Lau et al may not explicitly refer to reference numeral 242 as a post because it is actually a plate electrode. However, Lau et al's electrode functions precisely like applicant's post in that it supports cleaning plate 515 (note col. 12, line 42 to col. 13, line 67). Furthermore, nothing in claims 1, 2, 4, 16-18, 20, and 21 preclude a plate electrode from also performing the functions of a post to support a cleaning plate. Consequently, it is inherent or at least would have been obvious to one of ordinary skill in the art (35 USC 103a) in view of Lau et al's discussion in col. 12, line 42 to col. 13, line 67 to employ the Lau et al plate electrode as a post for supporting an electrode wire cleaning plate.

6. Claims 3, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lau et al in view of U.S. Patent No. 6,348,103 to Ahlborn et al. Lau et al, as described above in paragraph 5, disclose an electrode wire cleaning mechanism and process substantially as claimed. Apparently, Lau et al may not explicitly disclose that the post is accessible through a side surface of the air conditioner housing. In any case, Ahlborn et al (note ref. num. 7-17, Figs. 1-3, and col. 2, lines 27-62) teach the well-known use of side surface accessibility for a wire electrode cleaning mechanism in an electrostatic air conditioner for the purpose of ensuring speedy frequent maintenance. It would have been readily obvious to one of ordinary skill in the art to employ such an expedient in the Lau et al wire electrode cleaning mechanism and process in order to facilitate efficient maintenance as taught by Ahlborn et al.

***Allowable Subject Matter***

7. Claims 10-15 are allowed.

8. Claims 5-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).

***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. These references have been cited as art of interest to show other electrostatic air conditioners.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard L. Chiesa whose telephone number is (571) 272-1154.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane S. Smith, can be reached at (571) 272-1166.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 1700 receptionist whose telephone number is (571) 272-0987.

Facsimile correspondence must be transmitted through (703) 872-9306.

Richard L. Chiesa  
September 8, 2004

*Richard L. Chiesa*

**RICHARD L. CHIESA  
PRIMARY EXAMINER  
ART UNIT 1724**

*Sept. 8, 2004*